

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1776 be amended to read as follows:

- 1 Page 8, line 24, delete "firearm for not more than one year." and
- 2 insert "**firearm.**".
- 3 Page 8, line 32, delete "court shall establish a date certain upon
- 4 which the" and insert "**law enforcement agency shall retain the**
- 5 **firearm until the court orders the firearm returned or otherwise**
- 6 **disposed of.**".
- 7 Page 8, delete lines 33 through 35.
- 8 Page 8, line 42, delete "If the court has ordered the law enforcement
- 9 agency" and insert "**At least one hundred eighty (180) days after the**
- 10 **date a court orders a law enforcement agency to retain an**
- 11 **individual's firearm under section 6 of this chapter, the individual**
- 12 **may petition the court for return of the firearm.**
- 13 (b) Upon receipt of the petition described in subsection (a), the
- 14 court shall:
- 15 (1) enter an order setting a hearing date; and
- 16 (2) inform the prosecuting attorney of the date, time, and
- 17 location of the hearing.
- 18 (c) The prosecuting attorney represents the state at the hearing.
- 19 (d) In a hearing under this section, the individual:
- 20 (1) may be represented by an attorney; and
- 21 (2) must prove by a preponderance of the evidence that the
- 22 individual is not dangerous.
- 23 (e) If upon the completion of the hearing and consideration of
- 24 the record the court finds that the individual is not dangerous, the
- 25 court shall order the law enforcement agency having custody of the

- 1 firearm to return the firearm to the individual.
- 2 (f) If the court denies an individual's petition under this section,
- 3 the individual may not file a subsequent petition until at least one
- 4 hundred eighty (180) days after the date on which the court denied
- 5 the petition."
- 6 Page 9, delete lines 1 through 30.
 (Reference is to HB 1776 as printed February 11, 2005.)

Representative Buell